

Remarks

Claims 9, 11-20, and 28 have been canceled to narrow the issues with the Examiner.

Claims 1 and 27 have been amended.

Amended Claim 1

Hightower uses side brushes 11 that are aligned end-to-end relative to center brush 12 and are pivotally connected to center brush 12 by simple hinges 13. Fig. 8 of Shannon discloses side brushes that are offset from and overlapped relative to a center brush. However, Shannon then independently pivots each side brush about the middle of the side brush. Thus, if a force acting on the bristles of a side brush is effective to pivot the outer end of the side brush upwardly, that same pivoting action will cause the inner end of the Shannon side brush to dip down and dig into the surface. It does no good to have a side brush that will pivot upwardly at one end to avoid leaving a ridge of sand while pivoting downwardly at the other end to dig a hole in the sand.

In this invention, the side and center brushes are longitudinally offset relative to each other and are overlapped with one another, but the side brushes are still pivotally connected to the center brush at their laterally innermost ends using longitudinally extended pivot pin arrangements. Such extended pivot pin arrangements and the claimed pivot locations at the laterally innermost ends of the side brushes are NOT taught or made obvious by Shannon. Shannon actually teaches away from the invention as his solution is to independently pivot the side brushes at their centers to permit brush overlapping.

Claim 1 has been amended to add limitation (f) relating to the novel brush rake of this invention involving the use of offset and overlapped side and center brushes where the side brushes are still pivoted at their laterally innermost ends using pivot pins having longitudinally extended portions. This limitation reads as follows:

"(f) wherein the pivot connections each comprise a longitudinal pivot pin that is fixed to one of the lateral outer ends of the center brush with at least a portion of the pivot pin being longitudinally extended relative to the center brush such that the longitudinally extended portion of the pivot pin is positioned substantially directly above the laterally innermost end of one of the side brushes to journal the side brush for pivoting relative to the center brush substantially at the laterally innermost end of the side brush, whereby a force acting on the bristles of the side brush tending to lift an outer end of the side brush will lift the outer end of the side brush without causing the laterally innermost end of the side brush to dig down into the loose granular material surface."

Claim 1 as amended is not taught or suggested by any combination of references including Hightower as modified by Shannon. Hightower's hinges 13 do not permit other than an end-to-end orientation of the brushes. Thus, if one wanted to go to the offset arrangement of brushes as taught by Shannon, one of ordinary skill in the art would use Shannon's teaching of separate pivots at the center of the brushes. The necessary teaching of offset and overlapped brushes where the side brushes are pivoted at their innermost ends is found only in the Applicants' own disclosure and is not fairly taught or suggested by any of the references. Thus, claim 1 as amended, and the claims dependent therefrom, should be allowed.

Amended Claim 27

Claim 27 has been amended to limit the claimed method to the grooming of sand in a sand trap or bunker of a golf course. Claim 27 is still directed to a method of using a zero radius turn vehicle (ZRT) to tow a trailing rake which is now recited as a brush rake, and turning sufficiently tightly while in the sand trap or bunker to avoid leaving an ungroomed teardrop, and of lifting the edge of the rake on the inside of turn during this turn to avoid pushing sand behind the rake. The Examiner has rejected this method claim based upon what he feels is an obvious apparatus, namely the use of a ZRT vehicle with Hightower's rake.

Even if the Applicants' were to concede that this apparatus would be obvious, and they do not make such a concession, this still would be insufficient to reject a particular method of using the apparatus. The Examiner would also have to show that it would have been obvious to use a ZRT vehicle equipped with a Hightower rake in a sand trap or bunker of a golf course, and **no such showing of prima facie obviousness has been made.** As previously noted during the prosecution, ZRT vehicles have not been used as platforms for grooming sand traps or bunkers on a golf course. There is no teaching anywhere in the art that a ZRT vehicle be used in this way. It is not enough to reject the claim simply by theoretically postulating, as the Examiner has done, that a ZRT vehicle could be used this way.

Claim 27 does not attempt to protect the apparatus, but is directed to a method of using a particular apparatus in a particular way in a sand trap or bunker on a golf course. As the prior art contains no hint or suggestion of such a method, it is allowable.

Conclusion

It is respectfully requested that this application be allowed and sent to issue for the reasons noted above.

Respectfully presented,



January 20, 2006

James W. Miller
Registration No. 27,661
Suite 1005
Foshay Tower
821 Marquette Avenue
Minneapolis, MN 55402

Telephone (612) 338-5915